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**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA,
SOUTHERN DIVISION**

LISA LIBERI, et al,

Plaintiffs,

vs.

ORLY TAITZ, et al,

Defendants.

CIVIL ACTION NUMBER:

8:11-cv-00485-AG (AJW)

**DECLARATION OF PHILIP J.
BERG, ESQUIRE**

Date of Hearing: May 09, 2011

Time of Hearing: 10:00 a.m.

Location: Courtroom 10D

DECLARATION OF PHILIP J. BERG, ESQUIRE

I, Philip J. Berg, Esquire, am over the age of 18 and am a party to the within action. I have personal knowledge of the facts herein, and if called to do, I could and would competently testify. I am making this Declaration under the penalty of perjury of the Laws of the United States pursuant to 28 U.S.C. §1746.

1. I am an Attorney in good standing, licensed to practice law in the Commonwealth of Pennsylvania. I am licensed to practice in the U.S. District Courts, Middle and Eastern District of Pennsylvania; Third Certificate Court of Appeals, the Pennsylvania Supreme Court; and the U.S. Supreme Court.

2. I am familiar with the Federal Rules of Civil Procedure, the pleading requirements outlined in Ashcroft v. Iqbal, 129 S. Ct. 1937, 1949, 173 L. Ed. 2d 868 (2009), and Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 127 S. Ct. 1955, 167 L. Ed. 2d 929 (2007); and this Court's Local Rules.

3. I am the attorney of record for the Plaintiffs in the matter of Liberi, et al v. Taitz, et al, U.S.D.C., Eastern District of Pennsylvania, Case No. 09-cv-01898 ECR, which was recently transferred to this Court.

4. Although, I have not filed my application for *Pro Hac Vice* admission in this case, Orly Taitz on behalf of herself and her Corporation, Defend our Freedoms Foundations, Inc. filed a Motion to have me terminated as counsel

1 without any type of foundation. This is another tactic by Defendant Taitz to
2 prejudice the Plaintiffs, refuse the Plaintiffs their choice of Counsel; and to
3 increase the cost to Plaintiffs so they are unable to afford the litigation, and
4 therefore, obtain the redress they are entitled.

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6 5. This lawsuit recently transferred to this Court was filed by me on
7 behalf of the Plaintiffs on May 4, 2009. I have been litigating this case on
8 behalf of the Plaintiffs since that time.

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10 6. The basis of the within lawsuit is due to Defendants, Orly Taitz
11 through her company, Defendant Defend our Freedoms Foundations, Inc.
12 and Defendants, Neil Sankey, Sankey Investigations, Inc.; and the Sankey
13 Firm, Inc.'s for amongst other things, Invasion of Privacy; Intrusion of
14 Plaintiffs Solitude and Seclusion; Publication of Private Facts; Placing One
15 in a False Light before the Public; Appropriation of Plaintiffs Name and
16 Alike; Cyber-stalking; Stalking; Cyber-bullying; Harassment; Filing of False
17 Criminal Reports; Defamation; Slander; Libel; and violation of Cal. Civ. P.
18 1798, et seq. as well as many other violations for the illegal background
19 checks, including but **not** limited to primary identification documents,
20 insurance, medical, sealed Court case information, illegal access to Plaintiffs
21 credit reports, cyber-stalking, stalking Plaintiffs Ostella and Liberi,
22 contacting and harassing individuals Plaintiffs have known and for the
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1 illegal distribution of Liberi's full Social Security number, date of birth,
2 mother's maiden name, place of birth, spouses name, spouses Social
3 Security number, spouses date of birth and other extremely private
4 information, as well as private data pertaining to Ostella. Furthermore, Taitz
5 through DOFF and the Sankey Defendants destroyed and caused damage to
6 Ostella and Berg's businesses, Law Offices of Philip J. Berg and Go Excel
7 Global.
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11 7. While this case was before Federal Judge Robreno in the Eastern
12 District of Pennsylvania, Defendant Orly Taitz on behalf of herself and
13 Defend our Freedoms Foundations, Inc. filed numerous Motions to Dismiss,
14 which was completely improper. The important factor is that Defendant
15 Orly Taitz claimed the Complaint failed to comply with the pleading
16 standards of Ashcroft v. Iqbal, 129 S. Ct. 1937, 1949, 173 L. Ed. 2d 868
17 (2009), and Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 127 S. Ct.
18 1955, 167 L. Ed. 2d 929 (2007). Judge Robreno in the U.S. District Court,
19 Eastern District of Pennsylvania found that Plaintiffs Complaint was in fact
20 compliant with the pleading requirements of Twombly and Iqbal and Denied
21 Defendant Taitz's Motions to Dismiss.
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26 8. Plaintiffs will be seeking Leave to file a First Amended Complaint to
27 bring their Complaint in compliance with the California laws, as the
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1 Complaint is currently compliant with the Pennsylvania laws, where it was
2 originally filed.

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4 9. I am familiar with the events giving rise to the within action; and I am
5 readily available and willing to continue representing the Plaintiffs in this
6 California Court. For new counsel to step in at this late juncture would be
7 disastrous and prejudicial to the Plaintiffs. Due to Defendant Taitz's
8 continued filing and "papering" the Court, she has convoluted this case and
9 has been successful in confusing what the case actually represents. It will
10 take months to bring a new attorney up-to-date regarding the within case.
11 Furthermore, it forces Counsel to respond each and every time, which has
12 been and continue being extremely expensive.

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16 10. In addition, Defendant Orly Taitz has been very dishonest in her
17 filings and statements with the Court. She has misstated what is on file with
18 the Court; misstated the facts giving rise to the lawsuit; made many false
19 allegations against the Plaintiffs for actions she is actually doing; she has
20 filed forged documents from her witness, Geoff Staples; she continues
21 misrepresenting what the Court's rulings and Orders state; she misrepresents
22 what documents filed by the Plaintiffs state and pertain to; and many other
23 dishonest tactics.
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1 11. Each time Plaintiffs are forced to respond to Defendant Taitz barrage
2 of filings, Plaintiffs are forced to attach copies of all of Defendant Taitz's
3 publications on her website, postings on the Internet, emails, and proof of
4 forged documents and inaccurate and untruthful statements of Defendant
5 Taitz and her "supposed" witnesses. This in itself creates an avalanche of
6 paper.
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9 12. I am informed, believe and thereon allege, Defendant Taitz continues
10 these tactics as she does **not** think anyone will read the documents due to the
11 size and content. To date, this has proven true for her, otherwise, if the
12 documents and heaps of paper were read; they Court would "catch"
13 Defendant Taitz in her illegal tactics.
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16 13. Defendant Taitz is well aware that all the Plaintiffs in this action all
17 reside out-of-state. It is far easier to have counsel familiar with the case
18 argue at any hearing which may arise. Plaintiffs Lisa Liberi and Lisa Ostella
19 are **not** attorneys.
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22 14. Disallowing me to continue my representation of my clients, would be
23 extremely prejudicial; cause further unnecessary delays, waste judicial
24 resources and severely increase the Plaintiffs cost of litigation.
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1 I declare under the penalty of perjury of the Laws of the United States and
2 California that the foregoing is true and correct.
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5 Executed this 10th day of April, 2011 in the Commonwealth of Pennsylvania,
6 County of Montgomery.
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8 /s/ Philip J. Berg
9 Philip J. Berg, Esquire, Declarant
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